



**Minutes for Meeting of
Thursday, January 22, 2004**

Item-1: Call to Order.

Chairwoman Dorothy Smith called the meeting to order at 5:10 p.m.

Item-3: Swearing-In of New Commissioner.

Assistant City Clerk Joyce Lane administered the oath of office to Larry S. Westfall.

Item-2: Roll Call.

Present – Chairwoman Dorothy Smith, Commissioners Charles H. Dick, Jr., Greg Vega, and Larry W. Westfall.

Staff – Executive Director Stacey Fulhorst, Deputy City Attorney Dave James, Legal Assistant Steve Ross, Investigator Lauri Davis, Executive Secretary Janet MacFarlane.

Excused – Commissioners Dorothy Leonard, April Riel, and Karen Thomas-Stefano.

Item-4: Reporting Results of Closed Session.

Chairwoman Smith reported the results of the Closed Session Meeting of November 13, 2003.

Item 1: Conference with Legal Counsel (12 Potential Matters)

Case No. 2003-56

Motion: Initiate investigation
Moved/Seconded: Stefano/Vega
Vote: Unanimous
Excused: Riel

Case Nos. 2003-58 thru 2003-68

Motion: Initiate investigation
Moved/Seconded: Leonard/Stefano
Vote: Unanimous
Excused: Riel

Case No. 2003-67

Motion: Initiate investigation
Moved/Seconded: Leonard/Vega
Vote: Unanimous
Excused: Riel

Case No. 2003-68

Motion: Dismiss
Moved/Seconded: Dick/Leonard
Vote: Unanimous
Excused: Riel
Abstained: Vega

Chairwoman Smith reported the results of the Closed Session Meeting of December 11, 2003.

Item 1: Conference with Legal Counsel (16 Potential Matters)

Case No. 2003-36
Case No. 2003-37
Case No. 2003-39
Case No. 2003-40
Case No. 2003-42
Case No. 2003-45
Case No. 2003-46
Case No. 2003-49
Case No. 2003-50
Case No. 2003-51
Case No. 2003-55

Motion: Dismiss
Moved/Seconded: Leonard/Vega
Vote: Unanimous
Excused: Riel

Case No. 2003-36
Case No. 2003-34
Case No. 2003-48

Case No. 2003-52

Status report. No action taken.

Staff members James, Rivo and Ross left the Closed Session Room.

Case No. 2003-44

Motion: Dismiss

Moved/Seconded: Vega/Thomas

Vote: Unanimous

Excused: Riel

Item-5: Approval of Commission Minutes.

APPROVAL OF COMMISSION MINUTES OF DECEMBER 11, 2003.

This item was trailed to the February 12, 2004, Ethics Commission meeting.

Item-6: Non-Agenda Public Comment.

None.

Item-7: Commissioner Comment.

Commissioner Westfall introduced himself and spoke briefly of his background and related interests.

The Chair and commissioner members welcomed Mr. Westfall to the Ethics Commission

Item-8: Executive Director Comment.

Executive Director Stacey Fulhorst reported the following:

1. Introduced Lauri Davis recently appointed to the position of Senior Investigator for the Ethics Commission.
2. As part of the Ethics Training Program, Ms. Fulhorst reported that an ethics training had been provided to the CCDC staff on January 9, 2004, and a training had been scheduled for February 2, 2004, for the staff of the San Diego Data Processing Corporation. Commissioners interested in attending the upcoming training were asked to contact Ms. Fulhorst for the time and location.
3. Staff was in the process of following up on the Ethics Commission training for Board and Commissions.

4. The Ethics Commission's Annual Report for Calendar Year 2003 had been prepared and distributed.

Item-9: Deputy City Attorney Comment.

None.

Item 10: Status Report on ECCO Revisions Considered at Rules Committee Meeting of Wednesday, January 21, 2004.

Stacey Fulhorst reported on the discussion and issues raised at the Rules Committee of January 21, 2004, on the proposed revisions to ECCO. Ms. Fulhorst indicated the ECCO subcommittee would meet to review and discuss the issues and direction given at the Rules Committee meeting, and would bring the proposed ECCO revisions to the full Commission for further discussion and possible action.

Commissioner Vega agreed to sit on the ECCO subcommittee during Commissioner Riel's absence.

Item 11: Proposed Revision to Ethics Commission Operating Policies.

Stacey Fulhorst reviewed the proposed changes to the Commission's operating policies.

Mr. Mel Shapiro stated there appeared to be a loophole under Conditions of Appointment regarding the Commission member prohibition on making financial contributions to candidates for City office. He suggested that provision be retroactive to the time Commissioners are nominated.

Mr. Mel Shapiro asked about the status of the hiring of the Auditor position for the Ethics Commission.

Item 12: Adjournment to Closed Session

Chairwoman Dorothy Smith adjourned the meeting to Closed Session at 5:50 p.m. She stated if the Commission took any action that must be reported pursuant to the Brown Act, the Commission would reconvene into Open Session to report on that action.

Item 13: Reconvene to Report Closed Session Action

The Commission reconvened at 7:00 p.m.

Reporting Results of Closed Session.

Chairwoman Smith reported the following result from the Closed Session Meeting of January 22, 2004.

Case No. 2003-48

Motion: Ordered a Probable Causing Hearing and authorized the issuance of a Probable Cause Report and Draft Administrative Complaint.

Moved/Seconded: Dick/Vega

Vote: Unanimous

Excused: Leonard, Riel and Thomas-Stefano

Chairman Smith explained as permitted under the Brown Act, the Ethics Commission would not release the identity of the Respondent at this time. The Commission believes that do so would jeopardize the Commission's ability to effectuate service of process and conclude settlement negotiations.

Item 14: Adjournment

The Commission adjourned at 7:10 p.m.

Dorothy L. Smith, Chairwoman
Ethics Commission

Janet MacFarlane, Executive Secretary
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.